

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL WAGNER, Individually and as
Executor of the ESTATE OF REGINA
WAGNER, Deceased,

Plaintiff,

v.

KIMBERLY-CLARK
CORPORATION,

Defendant.

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: CIVIL ACTION

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: NO. 16-4209

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FILED

DEC 01 2016

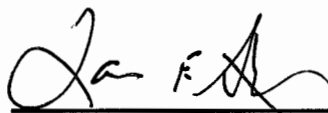
LUCY V. CHIN, Interim Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 1st day of December, 2016, after considering the defendant's motion to partially dismiss plaintiff's complaint (Doc. No. 5), plaintiff's response in opposition to this motion (Doc. No. 6), and defendant's brief in reply to plaintiff's response in opposition (Doc. No. 9), **IT IS HEREBY ORDERED** that:

1. Defendant's motion to dismiss plaintiff's breach of warranty claim (Count III) is **GRANTED**.
2. Defendant's motion to dismiss plaintiff's strict liability claim (Count II) is **DENIED**.
3. Any language relating to a "design" defect or "failure to warn" shall be stricken from plaintiff's complaint with prejudice.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'La F. Stengel', is written over a horizontal line.

LAWRENCE F. STENGEL, J.